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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/761,661	01/21/2004	William Gabriel Pagan	RPS920030209US1	3392
45503 7590 10/14/2008 DILLON & YUDELL LLP 8911 N. CAPITAL OF TEXAS HWY., SUITE 2110 AUSTIN, TX 78759				
EXAMINER				
REGO, DOMINIC E				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/761,661

**Applicant(s)**

PAGAN, WILLIAM GABRIEL

**Examiner**

DOMINIC E. REGO

**Art Unit**

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 June 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 19-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 19-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 19,20,23-26, and 29-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kazuo (Japanese Publication #11-013564) in view of Ono et al. (US Pub. No. 2001/0044320).

**Regarding claim 19,** Kazuo teaches a method of optimizing wireless reception at a computer, the method comprising: coupling a cell phone to a PC card socket of a computer (See figure 1), wherein the cell phone comprises: a first component (*Figure 1, element 11*), a fixed external antenna extending away from the first component (*Figure 1, an external antenna 11d* extending away from the first component 11), a second component permanently hinged to the first component by a hinge (*Figure 1, a second component 12 permanently hinged to the first component 11*), wherein the hinge allows the first component to be selectively rotated about hinge (See Figure 1, wherein the hinge allows the first component 11 to be selectively rotated about hinge), a keypad in the first component, the keypad allowing entry of a telephone number to be called to connect to a computer network (*Paragraphs 0010 and 0016*), and a connector in the

second component, the connector in the second component being adapted to be directly physically inserted into the PC card socket in the computer (*Figure 1, a connector 12 in the second component, the connector in the second component being adapted to be directly physically inserted into an existing interface port 13a in a computer 13; Paragraphs 0010-0017*), except for determining if reception quality by the cell phone is inadequate; and repositioning the first component by rotating the first component about the hinge until the fixed external antenna achieves optimal wireless reception. However, in related art, Ono teaches determining if reception quality by the cell phone is inadequate; and repositioning the first component by rotating the first component about the hinge until the fixed external antenna achieves optimal wireless reception (*Paragraphs 0007,0018, and 0027-0028*). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the above teaching of Ono to Kazuo, in order to achieve better quality of signal.

**Regarding claims 20 and 26**, the combination of Kazuo and Ono teach all the claimed element in claims 19 and 25. In addition, Kazuo teaches the method/the wireless phone, wherein the second component is configured as a PC Card (paragraph 0010). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the above teaching of Ono to Kazuo, in order to attain data communication (See Kazuo, Abstract).

**Regarding claims 23 and 29**, the combination of Kazuo and Ono teach all the claimed elements in claims 20 and 26. In addition, Kazuo teaches the method/the system, wherein a signal from the PC card socket to the connector in the second

component of the wireless phone is a modulated signal (*Figure 1, Kazuo teaches the wireless phone 10, wherein a signal from the existing interface port 13a of the computer 13 and the connector 12 in the second component of the wireless phone 10 is a modulated signal*). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the above teaching of Ono to Kazuo, in order to attain data communication (See Kazuo, Abstract).

**Regarding claims 24 and 30,** the combination of Kazuo and Ono teach all the claimed elements in claims 20 and 26. In addition, Kazuo teaches the method/the system, wherein a signal from the PC card socket to the connector in the second component of the wireless phone is a data packet (Paragraph 0018). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the above teaching of Ono to Kazuo, in order to attain data communication (See Kazuo, Abstract).

**Regarding claim 25,** Kazuo teaches a system for optimizing wireless reception at a computer, the system comprising: means for coupling a cell phone to a PC card socket of a computer (See figure 1), wherein the cell phone comprises: a first component (*Figure 1, element 11*), a fixed external antenna extending away from the first component (*Figure 1, an external antenna 11d extending away from the first component 11*), a second component permanently hinged to the first component by a hinge (*Figure 1, a second component 12 permanently hinged to the first component 11*), wherein the hinge allows the first component to be selectively rotated about the hinge (See Figure 1, wherein the hinge allows the first component 11 to be selectively rotated

about hinge), a keypad in the first component, the keypad allowing entry of a telephone number to be called to connect to a computer network (*Paragraphs 0010 and 0016*), and a connector in the second component, the connector in the second component being adapted to be directly physically inserted into the PC card socket in the computer (*Figure 1, a connector 12 in the second component, the connector in the second component being adapted to be directly physically inserted into an existing interface port 13a in a computer 13; Paragraphs 0010-0017*), except for means for determining if reception quality by the cell phone is inadequate; and means for repositioning the first component by rotating the first component about the hinge until the fixed external antenna achieves optimal wireless reception. However, in related art, Ono teaches means for determining if reception quality by the cell phone is inadequate; and means for repositioning the first component by rotating the first component about the hinge until the fixed external antenna achieves optimal wireless reception (*Paragraphs 0007, 0018, and 0027-0028*). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the above teaching of Ono to Kazuo, in order to achieve better quality of signal.

**Regarding claim 31**, Kazuo teaches a method of optimizing wireless reception at a computer, the method comprising: coupling a cell phone to a PC card socket of a computer (See figure 1), wherein the cell phone comprises: a first component (*Figure 1, element 11*), a fixed external antenna extending away from the first component (*Figure 1, an external antenna 11d extending away from the first component 11*), a second component permanently hinged to the first component by a hinge (*Figure 1, a second*

*component 12 permanently hinged to the first component 11*), wherein the hinge allows the first component to be selectively rotated about the hinge (See Figure 1, wherein the hinge allows the first component 11 to be selectively rotated about hinge), a keypad in the first component, the keypad allowing entry of a telephone number to be called to connect to a computer network (*Paragraphs 0010 and 0016*), and a connector in the second component, the connector in the second component being adapted to be directly physically inserted into the PC card socket in the computer (*Figure 1, a connector 12 in the second component, the connector in the second component being adapted to be directly physically inserted into an existing interface port 13a in a computer 13; Paragraphs 0010-0017*), except for repositioning the first component by rotating the first component about the hinge until determining the fixed external antenna achieves optimal wireless reception. However, in related art, Ono teaches repositioning the first component by rotating the first component about the hinge until the fixed external antenna achieves optimal wireless reception (*Paragraphs 0007, 0018, and 0027-0028*). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the above teaching of Ono to Kazuo, in order to achieve better quality of signal.

3. Claims 21, 22, 27, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kazuo (Japanese Publication #11-013564) in view of Ono et al. (US Pub. No. 2001/0044320) and further in view of Ohnishi et al. (US Patent #6,525,932).

**Regarding claims 21, 22, 27, and 28**, the combination of Kazuo and Ono fail to teach the method, wherein the PC Card are a Type I card and a type III card. However, in related are, Ohnishi teaches the wireless phone, wherein the PC Cards are a Type I and III card (Col 1, lines 46-58; Col 2, lines 28-35). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the above teaching of Ohnishi to Kazuo and Ono in order to communicate other devices or excess to the network.

#### ***Response to Arguments***

4. Applicant's arguments, see pages 5-8, filed 06/11/2008, with respect to the rejection(s) of claim(s) 19-31 under 35 U.S.C. 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Ono et al. (US Pub. No. 2001/0044320).

#### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Peng (US Patent #7,042,405, Col 1, lines 30-47), Thermond (US Patent #7,133,645, Col 11, line 45-Col 12, lines 6), Tseng et al. (US Patent #7,184,422, Col 3, lines 8-23), Zhang (US Pub. No. 2002/0090941, Paragraph 0030), Hood, III (US Pub. No. 2002/0147031, Paragraph 0048), Nelson (US Pub. No. 2005/0049014, paragraph 0006), Mou (US Patent #6,359,591, Col 2, line 55-Col 3, line 9).



Any inquiry concerning this communication or earlier communications from the examiner should be directed to DOMINIC E. REGO whose telephone number is (571)272-8132. The examiner can normally be reached on Monday-Friday, 8:30 am-5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duc M Nguyen can be reached on 571-272-7503. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Dominic E. Rego  
/Dominic E. Rego/  
Examiner, Art Unit 2618  
Tel 571-272-8132

/Duc Nguyen/

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Supervisory Patent Examiner, Art Unit 2618